

FILED  
2012 AUG - 9 PM 2:53  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RUBEN T. VARELA,

PLAINTIFF(S)

v.

CREDIT ONE BANK, N.A.,

DEFENDANT(S).

CASE NUMBER

SACV 12-1240 UA (DUTYx)

**ORDER RE LEAVE TO FILE ACTION  
WITHOUT PREPAYMENT OF FILING FEE**

IT IS ORDERED that the complaint may be filed without prepayment of the filing fee.

Further proceedings in this matter are subject to the orders of the Judge to whom the case is assigned.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States Magistrate Judge

**IT IS RECOMMENDED** that the request of plaintiff/petitioner to file the action without prepayment of the filing fee be **DENIED** for the following reason(s):

☐ Inadequate showing of indigency

☐ District Court lacks jurisdiction

☒ Legally and/or factually patently frivolous

☐ Immunity as to \_\_\_\_\_

☐ Other: \_\_\_\_\_

Comments:

SEE ATTACHMENT (pages 2 and 3)

\_\_\_\_\_  
AUGUST 6, 2012

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States Magistrate Judge

IT IS ORDERED that the request of plaintiff to file the action without prepayment of the filing fee is:

☐ GRANTED

☒ DENIED (See comments above).

\_\_\_\_\_  
Date

8/8/12

\_\_\_\_\_  
United States District Judge

Attachment  
to  
Order re Leave to File Action Without Prepayment of Filing Fee

*Ruben T. Varela v. Credit One Bank, N.A.,*  
SACV 12-01240 UA (DUTYx)

The complaint is frivolous and fails to state a plausible claim under 15 U.S.C. § 1681b(f) because it is based upon vague, conclusory, and speculative allegations, none of which set forth a facially plausible claim that defendant Credit One Bank, N.A. obtained Plaintiff's consumer report for an impermissible purpose within the meaning of 15 U.S.C. § 1681b(f). *See Ashcroft v. Iqbal*, 566 U.S. 662, 678, 129 S. Ct. 1937, 1949-50 (2009) (conclusory allegations insufficient). Accordingly, Plaintiff's request to proceed in forma pauperis ("IFP Request") is denied.

The Court also takes judicial notice of its own records that establish Varela has previously filed an IFP Request that was denied because the corresponding proposed complaint raised a similar claim that was found to be frivolous and failed to state a plausible claim for relief. *See Varela v. American Express Company*, SACV 11-1513 UA (DUTYx), 10/05/11 Order denying IFP Request (AN/ABC). Further, the Court takes judicial notice that Varela has commenced at least 10 other IFP actions where he makes the same or similar claims in proposed complaints brought against financial services or related companies seeking small amounts of monetary damages (\$1,000 - \$4,000), and that it appears Varela is using this Court as a tool to harass and/or extort small settlements from such defendants, who are forced to make an economic decision to settle for nuisance value instead of incur the substantially greater costs of a meritorious defense. *See Varela's pending IFP Request, Response to Question 2 (e)* (listing other income of \$6,000 from settlements); *see also, Varela v. Midland Credit Management Inc., et al.*, CV 12-03682 AG (RNBx) (filed 04/27/12; **pending**); *Varela v. Tate and Kirlin Associates Inc., et al.*, SACV 11-00888 JVS (MLGx) (filed 06/13/11; closed 02/15/12); *Varela v. Plaza Associates, et al.*, SACV 11-00890 CJC (MLGx) (filed 06/14/11; closed 01/03/12); *Varela v. Midland Credit Management Inc., et al.*, SACV 11-00891 AG (RNBx) (filed 06/14/11; closed 06/13/12); *Varela v. AT and T Mobility LLC, et al.*, SACV 11-00930 CJC (MLGx) (filed 06/20/11; closed 01/10/12); *Varela v. American Express Company*, SACV 11-00945 AG (ANx) (filed 06/23/11; closed 12/05/11); *Varela v. American Express Company*, SACV 11-01568 MLG (filed 10/11/11; closed 10/27/11); *Varela v. Patenaude & Felix, A Professional Corporation, et al.*, SACV 12-00543 AG (MLGx) (filed 04/10/12;


**pending**); *Varela v. American Express Company*, SACV 12-00729 DOC (MLGx) (filed 05/07/12; closed 06/06/12); *Varela v. Allied Collection Services of California LLC, et al.*, SACV 12-00793 JVS (RNBx) (filed 05/16/12; **pending**). It appears the IFP Requests in these other lawsuits were granted on a perfunctory basis since they did not involve prisoner actions, not because the proposed complaints stated plausible claims.

Under the circumstances, Varela is hereby notified and warned the next time he commences a similar action where the Court finds his proposed complaint is frivolous and/or fails to state a claim, Varela will be declared a vexatious litigant, and he will be barred from filing any future actions raising the same or similar types of claims unless he pays the full filing fee. The Clerk of the Court is also directed to distribute copies of this Order to the judges in the aforementioned cases that are still pending (AG and JVS).

LOGGED

Ruben T. Varela  
2249 Camino Del Sol  
Fullerton, California 92833  
(714) 864-0150  
Plaintiff in Pro Per

ORIGINAL

RECEIVED/RETURNED
AUG - 9 2012
CLERK, U.S. DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION
BY 

2012 AUG - 1 PM 2:59

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.

RY:

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SACV 12-01240 UA (Duty v)

Ruben T. Varela,

Plaintiff,

vs.

CREDIT ONE BANK, N.A.,

Defendant

Case No.:

COMPLAINT FOR DAMAGES

1. VIOLATIONS OF THE FAIR  
CREDIT REPORTING ACT  
15 U.S.C. § 1681b *et seq.*

DEMAND FOR JURY TRIAL

COMPLAINT

COMES NOW the plaintiff, Ruben T. Varela ("Plaintiff"), and for his  
complaint against Defendant CREDIT ONE BANK, N.A., states as follows:

PRELIMINARY STATEMENT

1. This is an action for damages brought for willful and/or negligent  
violations of the Fair Credit Reporting Act ("FCRA") 15 U.S.C. § 1681b *et seq.*

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**JURISDICTION**

2. The Court has jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction arises pursuant to 15 U.S.C. § 1692k and 15 U.S.C § 1681p. The court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

**VENUE**

3. Venue is proper pursuant to 28 U.S.C § 1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

**PARTIES**

4. Plaintiff, Ruben T. Varela, was and remains:

- (a) A natural person, and an individual, domiciled in the city of Fullerton, state of California, county of Orange; and
- (b) a "consumer" as defined by the FCRA 15 U.S.C. § 1681a(c).

5. Plaintiff is informed and believes and on that basis alleges that Defendant CREDIT ONE BANK, N.A. ("Defendant" or "COB") was and remains, at all times mentioned herein:

- (a) an unknown entity, not authorized to do business in California, residing at 585 Pilot Road, Las Vegas, NV 89119; and
- (b) a "person" as that term is defined under the FCRA 15 U.S.C. § 1681a(c); and
- (c) a "user" of consumer credit and other financial information, as that term is contemplated under the FCRA.

///

**STATEMENT OF FACTS**

6. During the month of February, 2011, Plaintiff obtained a copy of his consumer report from consumer reporting agency Experian Information Solutions, Inc. ("Experian").

///

1           7. Upon review of his Experian consumer report, Plaintiff noticed that  
2 Defendant requested and obtained his Experian consumer report on February 19,  
3 2009, April 21, 2009, July 20, 2009, and September 14, 2009.

4           8. For the period from February, 2009, through September, 2009 (the  
5 “relevant period”), when Defendant requested and obtained Plaintiff consumer  
6 report from Experian, Plaintiff states as follows:

7           A. Plaintiff denies granting Defendant authorization to obtain Plaintiff’s  
8 consumer report from Experian.

9           B. Plaintiff denies granting Experian authorization to furnish his consumer  
10 report to Defendant.

11           C. Plaintiff denies owing any debt obligation to Defendant.

12           D. Plaintiff denies applying for credit, loans, or services from Defendant.

13           E. Plaintiff denies having any open account with Defendant.

14           F. Plaintiff denies being named as an “authorized user” on any account with  
15 Defendant.

16           G. Plaintiff denies ever receiving any firm offer of credit or insurance from  
17 Defendant during the relevant period, or anytime thereafter.

18           9. Plaintiff knows of no permissible purpose that Defendant had for  
19 obtaining his Experian consumer report during the relevant period.

20           10. Therefore, Plaintiff is informed and believes and on that basis alleges  
21 that Defendant obtained his Experian consumer report on February 19, 2009,  
22 without a permissible purpose, and as a result, Defendant violated the FCRA 15  
23 U.S.C. § 1681b(f).

24           11. Plaintiff is informed and believes and on that basis alleges that  
25 Defendant obtained his Experian consumer report on April 21, 2009, without a  
26 permissible purpose, and as a result, Defendant violated the FCRA 15 U.S.C. §  
27 1681b(f).  
28

1 12. Plaintiff is informed and believes and on that basis alleges that  
2 Defendant obtained his Experian consumer report on July 20, 2009, without a  
3 permissible purpose, and as a result, Defendant violated the FCRA 15 U.S.C. §  
4 1681b(f).

5 13. Plaintiff is informed and believes and on that basis alleges that  
6 Defendant obtained his Experian consumer report on September 14, 2009, without  
7 a permissible purpose, and as a result, Defendant violated the FCRA 15 U.S.C. §  
8 1681b(f).

9 14. Plaintiff alleges that as a proximate result of Defendant's willful and/or  
10 negligent violations of the FCRA, as described herein, Plaintiff has suffered, and  
11 continues to suffer actual damages including violations to his privacy and  
12 seclusion, mental anguish, and emotional distress, including but not limited to  
13 injury to Plaintiff's feelings, anxiety, stress, and frustration over the total loss of  
14 control over his personal, confidential and private property, unlawfully  
15 confiscated, and over not knowing whether it has been sold into the marketplace by  
16 Defendant to the highest bidder.

17 ///

18  
19 **CLAIM I**

20 **DEFENDANT'S VIOLATIONS OF FCRA 15 U.S.C. § 1681b *et seq.*,**  
21 **WILLFULL NON-COMPLIANCE**

22 15. Plaintiff restates and reiterates herein all previous paragraphs.

23 16. Defendant willfully violated the FCRA. Defendant's violations include,  
24 but are not limited to, the following:

25 (a) Defendant willfully violated 15 U.S.C. § 1681b(f), by obtaining  
26 Plaintiff's consumer report on February 19, 2009, without a permissible  
27 purpose, as defined by 15 U.S.C. § 1681b *et seq.*  
28

- 1 (b) Defendant willfully violated 15 U.S.C. § 1681b(f), by obtaining  
2 Plaintiff's consumer report on April 21, 2009, without a permissible  
3 purpose, as defined by 15 U.S.C. § 1681b *et seq.*  
4 (c) Defendant willfully violated 15 U.S.C. § 1681b(f), by obtaining  
5 Plaintiff's consumer report on July 20, 2009, without a permissible  
6 purpose, as defined by 15 U.S.C. § 1681b *et seq.*  
7 (d) Defendant willfully violated 15 U.S.C. § 1681b(f), by obtaining  
8 Plaintiff's consumer report on September 14, 2009, without a  
9 permissible purpose, as defined by 15 U.S.C. § 1681b *et seq.*

10 ///

11 **CLAIM II**

12 **DEFENDANT'S VIOLATIONS OF FCRA 15 U.S.C. § 1681b *et seq.*,**  
13 **NEGLIGENT NON-COMPLIANCE**

14 17. Plaintiff restates and reiterates herein all previous paragraphs.

15 18. Defendant negligently violated the FCRA. Defendant's violations  
16 include, but are not limited to, the following:

- 17 (a) Defendant negligently violated 15 U.S.C. § 1681b(f), by obtaining  
18 Plaintiff's consumer report on February 19, 2009, without a permissible  
19 purpose, as defined by 15 U.S.C. § 1681b *et seq.*  
20 (b) Defendant negligently violated 15 U.S.C. § 1681b(f), by obtaining  
21 Plaintiff's consumer report on April 21, 2009, without a permissible  
22 purpose, as defined by 15 U.S.C. § 1681b *et seq.*  
23 (c) Defendant negligently violated 15 U.S.C. § 1681b(f), by obtaining  
24 Plaintiff's consumer report on July 20, 2009, without a permissible  
25 purpose, as defined by 15 U.S.C. § 1681b *et seq.*  
26  
27  
28



(d) Defendant negligently violated 15 U.S.C. § 1681b(f), by obtaining Plaintiff's consumer report on September 14, 2009, without a permissible purpose, as defined by 15 U.S.C. § 1681b *et seq.*

///

**REQUEST FOR RELIEF**

WHEREFORE, Defendant has violated the provisions of the FCRA, Plaintiff hereby requests:

19. Judgment for damages against Defendant for the greater of actual damages or statutory damages in the amount of \$4,000, and punitive damages as a deterrent to Defendant's future commission of such unlawful conduct, as described herein, and costs, pursuant to 15 U.S.C. § 1681n.

20. Judgment for damages against Defendant for the greater of actual damages or statutory damages in the amount of \$4,000, and costs, pursuant to 15 U.S.C. § 1681o.

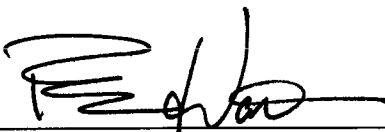
21. Any further relief which the court may deem appropriate.

**DEMAND FOR JURY TRIAL**

22. Plaintiff hereby requests a jury trial on all of the issues raised in this complaint.

///

Dated: AUGUST 1, 2012

By:   
Ruben T. Varela  
Plaintiff in Pro Per

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

Ruben T. Varela  
2249 Camino Del Sol  
Fullerton, CA 92833  
(714) 864-0150  
Plaintiff in Pro Per



**ORIGINAL**

RECEIVED/RETURNED

AUG - 9 2012

CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

ATTORNEYS FOR

2012 AUG - 1 PM 3:03

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LOGGED

Ruben T. Varela

Plaintiff(s),

CASE NUMBER:

**SACV 12-01240** UA(Duty)

CREDIT ONE BANK, N.A.,

Defendant(s)

**CERTIFICATION AND NOTICE  
OF INTERESTED PARTIES  
(Local Rule 7.1-1)**

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for Ruben T. Varela, Plaintiff in Pro Per  
(or party appearing in pro per), certifies that the following listed party (or parties) may have a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

**PARTY**

**CONNECTION**

(List the names of all such parties and identify their connection and interest.)

Ruben T. Varela .....	Plaintiff
CREDIT ONE BANK, N.A. ....	Defendant
SHERMAN FINANCIAL GROUP, LLC .....	Defendant's Parent Company
EXPERIAN INFORMATION SOLUTIONS, INC. ....	Consumer Reporting Agency

August 1, 2012

Date

Sign

Ruben T. Varela, Pro Se

Attorney of record for or party appearing in pro per

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input checked="" type="checkbox"/> )  Ruben T. Varela		<b>DEFENDANTS</b>  CREDIT ONE BANK, N.A.	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  2249 Camino Del Sol Fullerton, CA 92833 (714)864-0150		<b>Attorneys</b> (If Known)	

ORIGINAL

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding   
 ☐ 2 Removed from State Court   
 ☐ 3 Remanded from Appellate Court   
 ☐ 4 Reinstated or Reopened   
 ☐ 5 Transferred from another district (specify):   
 ☐ 6 Multi-District Litigation   
 ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes    ☐ No    **MONEY DEMANDED IN COMPLAINT:** \$ 4,000.00

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Violations of Fair Credit Reporting Act, 15 U.S.C. § 1681b(f).

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number

SACV 12-01240 UA (Duty x)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

## Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Credit One Bank, N.A. resides in the state of Nevada.

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date August 1, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

## Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))